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Filed: 11-18-03

Sponsored by: Carlson

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2003 - 369

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 106, Traffic and Vehicles, Article VI, Stopping, Standing and
2 Parking, of the Springfield City Code, by enacting a new Division 9, to
3 regulate parking in Jordan Valley Park.
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8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as
9 follows:

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11 Section 1 - That Chapter 106 Traffic and Vehicles, Article VI, Stopping, Standing
12 and Parking, of the Springfield City Code is hereby amended by enacting one new division
13 pertaining to the regulation of parking in Jordan Valley Park, which division shall read as
14 follows:

15 "DIVISION 9. JORDAN VALLEY PARK DISTRICT PARKING REGULATIONS

16 Sec. 106-424. Boundaries of the Jordan Valley Park Parking District.

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18 The boundaries of the Jordan Valley Park Parking District shall extend from the
19 northeast corner of St. Louis Street and along Kimbrough/ Benton Avenue northerly
20 to the Burlington Northern Santa Fe Railway tracks, including the area under the
21 Benton Avenue viaduct, then easterly along said railroad track to National Avenue,
22 then south on National Avenue to north side of St. Louis Street, then westerly to the
23 point of beginning, including the Jordan Valley Car Park, the Jordan Valley Ice Park
24 parking lot and any other public surface parking lot in said area owned by the City
25 of Springfield.
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Sec. 106-425. General public parking regulations with the district.

(a) No person shall park any vehicle within the Jordan Valley Car Park, the Jordan Valley Ice Park parking lot, or any other public surface parking lot owned by the City within the Jordan Valley Parking District, except within a designated and marked parking space sufficient to accommodate the size of the vehicle or in violation of any posted restrictions upon vehicle parking, including restrictions requiring parking permits or providing identification.

(b) No person shall park any vehicle within the Jordan Valley Car Park, the Jordan Valley Ice Park parking lot, or any other public surface parking lot owned by the City within the Jordan Valley Parking District in violation of any posted restrictions upon such use, including restrictions requiring permits or identification, and imposing time limits for parking.

(c) No person shall park any vehicle in any entrance or exit roadway, or interior driving lane, or in any other way which obstructs the movement of legally parked vehicles or of vehicles entering or leaving a parking facility.

(d) No person shall operate a vehicle within the Jordan Valley Car Park, the Jordan Valley Ice Park parking lot, or any other public surface parking lot owned by the City within the Jordan Valley Parking District in an unsafe or reckless manner.

(e) No person shall unlawfully park in a parking space designated for handicapped persons within the Jordan Valley Parking District in violation of Sections 106-362 of the Springfield City Code.

(f). Any vehicle parked in a manner creating a public safety hazard within any parking lot or parking facility within the Jordan Valley District is subject to immediate removal by towing.

Sec. 106-426. Temporary unimproved parking areas.

The city manager, or his designee, may allow parking in temporary, unpaved parking areas on city property within the Jordan Valley Parking District, in order to provide additional parking for relief because of construction activities or special events. Such areas shall be posted for parking use. No person shall park upon any unpaved area in the district, unless the area has been so posted to permit parking.

Sec. 106-427. Exempt vehicles.

The provisions of Sections 106-425, 106-426, 106-429 and 106-430 shall not apply to persons parking emergency vehicles in the performance of their duties, or to parking of government vehicles by city, county, state or federal employees in the course of their official duties.

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Sec. 106-428. Parking rates for Jordan Valley Parking District.

The city manager, or his designee, is authorized to establish the rates to be charged by the parking manager for parking in the Jordan Valley Car Park, Jordan Valley Ice Park and surface parking lots owned by the city within the district, as follows:

Jordan Valley Car Park and surface lots. (except the Ice Park): Up to a maximum daily rate of \$5 and up to a maximum monthly rate of \$70. Special events parking a flat rate of up to \$5 per event per day.

Jordan Valley Ice Park surface lot. Special events parking, including junior and college hockey and other events sponsored by entities other than the Springfield-Greene County Park Board, up to \$5 per event per day. Except for Primary Jordan Valley Park Activities, members and invitees of the Goad-Ballinger American Legion Post Number 69 (American Legion) may use up to 80 designated spaces and an additional 20 spaces on a first-come-first-serve basis within the Ice Park surface lot to attend bingo games on Friday and Sunday evenings after 5:00 P.M. at the same rate charged Ice Park patrons. The city manager or his designee may require members and invitees of the American Legion to provide appropriate identification in order to use the parking. The city shall notify the American Legion of the dates of all Primary Jordan Valley Park Activities in writing one month in advance of the event.

The parking rates established by the City Manager shall be shown on a schedule filed with the City Clerk.

The city manager is authorized to approve special group parking arrangements for parking in the Jordan Valley Car Park, at such rates and upon such terms and conditions, as are approved by the city manager.

Sec. 106-429. Use of Jordan Valley Car Park.

(a) The manager of the Jordan Valley Car Park may adopt reasonable rules and regulations regarding use of the facility, consistent with the provisions of the City Code. It shall be unlawful for any person to use the Jordan Valley Car Park in violation of such rules and regulations, which are posted or verbally communicated by the manager, or an authorized employee of the manager, to such person.

(b) Persons who enter the Jordan Valley Car Park, except for persons entering the facility to lawfully park vehicles, shall be considered trespassers in violation of section 78-285, unless such persons have been given express permission to enter for another purpose by the parking manager or an authorized employee.

(c) The City Manager, or his designee, may allow the Jordan Valley Car Park to

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120 be used for purposes other than for the parking of motor vehicles, provided the
121 person so using the facility shall enter into a written agreement, in a form acceptable
122 to the City Attorney, stating the purpose, nature, time and length of such event,
123 furnishing proof of liability insurance and providing for indemnification of the City
124 and the facility manager for any claims arising from such use.
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126 **Sec. 106-430. Restrictions on Use of Jordan Valley Ice Park Parking Lot.**

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128 It shall be unlawful for any person other than persons using or attending events
129 at the Jordan Valley Ice Park facility to park a vehicle in the Jordan Valley Ice Park
130 surface parking lot, at any time when a sign has been posted by the parking
131 manager at the entry of the parking lot limiting entry, provided that members of the
132 American Legion and their invitees may use the parking lot in accordance with
133 section 106-428.
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135 **Sec. 106-431. Abandoned vehicles.**

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137 (a) Any motor vehicle, motorcycle, trailer or similar vehicle that is left unclaimed
138 in or on any city parking facility within the Jordan Valley Car Park for more than
139 thirty (30) consecutive days without apparent use or proper payment of parking
140 charges, or left unclaimed on the Jordan Valley Ice Park or other surface lot for forty-
141 eight (48) consecutive hours without apparent use, without express permission from
142 the City Manager, or his designee, shall be deemed to be abandoned and may be
143 removed at the expense of the owner.
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145 (b). Any such abandoned vehicle shall be impounded until claimed or disposed
146 of as provided in Division 2 Article, III, Chapter 118 of the Springfield City Code.
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148 **Sec. 106-432. Use of bicycles or similar devices in Jordan Valley Car Park**

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150 (a) No person shall operate a bicycle or similar device within the Jordan Valley
151 Car Park except to travel to and from those bike racks or lockers specifically
152 designated for storage thereof.
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154 (b) No person shall leave or affix any bicycle or similar device to any part of the
155 Jordan Valley Car Park except in a designated bike rack or locker.
156

157 (c). Any bicycle left unattended outside of a bike rack or locker or left in a bike
158 rack or locker for more than fourteen (14) consecutive days without apparent use
159 shall be considered abandoned property and may be removed and turned over to the
160 police department to kept or disposed of in the manner prescribed by law.
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162 **Sec. 106-433. Lost, stolen or damaged property.**

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164 Neither the City of Springfield, nor the manager, assume care, custody or control

of any vehicles, bicycles or other property parked or otherwise left in any parking facility within the Jordan Valley Parking District. The City of Springfield and the manager are not responsible to any person for any loss from fire, theft, damage or destruction thereof.

Sec. 106-434. Appointment of conservators of the peace.

The city manager is hereby authorized to appoint the parking manager for Jordan Valley Park, and it employees, and any security service under contract with the city to perform security services within the Jordan Valley Park parking district, as conservators of the peace, with authority to issue parking citations for off-street violations of the city code within the parking district in the same manner as is set forth in Section 106-96 of the City Code."

Note: **Bolded** language has been added.

Section 2 - That Chapter 106, Traffic and Vehicles, Article II, Administration and Enforcement, Division 2, Violations and Procedures on Arrest, Section 106-96, Authority of persons appointed as conservators of the peace, of the Springfield City Code is hereby amended by enacting a new subsection 106-96 (f), which subsection shall read as follows:

"Sec. 106-96 Authority of persons appointed as conservators of the peace.

(f) The city manager is hereby authorized to appoint employees of the contract manager of the Jordan Valley Car Park, and persons employed as security guards under contract with the city for patrol of parking facilities in the Jordan Valley Park Parking District, as conservators of the peace who shall have authority to issue citations in accordance with this section for any off-street violations of this Code within the limits of the Jordan Valley Parking District."

Note: **Bolded** language has been added.

Section 3 - That General Ordinance Number 5181 is hereby repealed.

Section 4 - Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5 - Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

211 Section 6 - Penalty Clause. Any person found guilty of violating this ordinance shall
212 be penalized in accordance with Section 1-7 of the Springfield City Code.

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214 Section 7 - This ordinance shall be in full force and effect from and after passage.
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218 Passed at meeting: _____
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222 Mayor
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225 Attest: _____, City Clerk
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228 Approved as to form: _____, Assistant City Attorney
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231 Approved for Council action: _____, City Manager
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Aff. Agcy. Notified _____
Emergency Required _____
IPO Required _____
P. Hrings. Required _____
Fiscal Not Required _____
Board Rec. Required _____

EXPLANATION TO COUNCIL BILL NO. 2003-

ORIGINATING DEPARTMENT: Public Works

PURPOSE: Amending Chapter 106, Traffic and Vehicles of the City Code by adding a Division 9 to establish regulations governing the off-street parking of vehicles within the Jordan Valley Park District, including the Jordan Valley Car Park, Jordan Valley Ice Park and other surface lots owned by the City, including granting authority to the City Manager to establish rates for parking, up to maximum rates set forth in the ordinance.

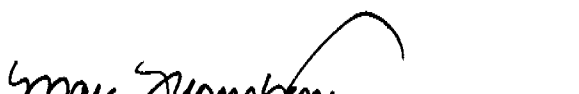
BACKGROUND: With the completion of the Jordan Valley Car Park, a comprehensive set of parking regulations is needed to enforce off-street parking regulations within the Jordan Valley Park District. The ordinance establishes general parking regulations applicable to the facilities. It also gives the City Manager authority to adopt rates that may be charged by the management company for daily and monthly parking in the parking facilities it manages up to maximum amounts set forth in the ordinance. Special regulations are set forth covering parking in the Jordan Valley Ice Park surface lot, which permits free parking for patrons of activities sponsored by the Park Board in the facility, such as public skating. The ordinance also provides for limited parking in Ice Park for the Goad-Ballinger American Legion as provided in agreement with the Legion when the City acquired the property adjacent to the Legion hall for the ice facility. In addition, the ordinance provides for appointment of the parking manager and the security service under contract with the city as conservators of the peace, with authority to issue citations for off-street parking violations.

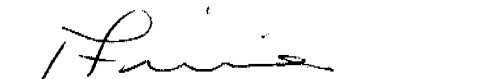
REMARKS: The managers of Jordan Valley Car Park and the Ice Park have requested enactment of legislative authority for parking regulations to assist them in controlling parking and dealing with parking issues that have arisen at the facilities, or are reasonably foreseeable to arise in the future.

Submitted By:


Assistant Director of Public Works

Approved By:


Director of Public Works


City Manager

IPO# _____

Implementation Procedure of Ordinance

Council Bill No. _____

City Code No. _____

Ordinance No. _____

Effective Date of Memo: Upon passage of ordinance.

Subject: Jordan Valley Park District Parking Regulations

City Department Responsible for Administration: Public Works, as to regulations, City Manager, as to parking rates.

Contact in Case of Questions: Jason Haynes, Project Engineer, Public Works, Traffic Division.

Phone: (417) 864-1801

Support Agencies & Their Roles: City Manager, as to the establishment of rates to be charged for parking in off-street city parking facilities in the district. Parks, for assistance in regulation of the Ice Park surface lot. Public Works has supervisory responsibility over the contract management company operating the Jordan Valley Car Park and other surface lots.

Plan for Administration: Primary administration is delegated to the private management company under contract with the City to operate the Jordan Valley Car Park and other surface lots in the district. The parking manager's employees may be appointed as conservators of the peace by the City Manager. with the authority to issue citations for violations.

How Ordinance Works: Parking rules and regulations are established for use of the parking facilities. Rates are established for parking. Violation of posted restrictions on park can lead to citations and fines for violation in municipal court and vehicles can be subject to towing under certain circumstances.

Purpose of the Ordinance: To establish orderly rules to regulate parking in the Jordan Valley Parking District in the interest of the public health, safety and welfare.

Frequently Asked Questions:

Q. Why do I have to pay to park my car in the Jordan Valley Car Park ? It cost the City several million dollars to build the facility through a bond issue. In addition, there

are substantial costs to the City to operate the facility.

A. The City is not trying to make a profit from the operation of the Car Park, the charges are to pay the indebtedness and operating costs of the facility.

Q. Why does the American Legion get free parking in the Ice Park lot for bingo?

A. The agreement of the Legion was required in connection with the land acquisition for the Ice Park. The Legion agreed to give up certain access rights in return for this parking privilege.

Q. Why is there a charge to park in the Ice Park lot when attending a Spirit or SMSU hockey game?

A. These are ticketed events held in the Ice Park by entities other than the Park Board. The Park Board must insure that priority for parking in the Ice Park is reserved to its patrons and that public skating is promoted.



Tom Finnie, City Manager

11-17-03

Date